

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEANTHONY T. WINSTON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:24-cv-00934-KES-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
APPLICATION TO PROCEED IN FORMA
PAUPERIS, AND DIRECTING PAYMENT
OF THE FILING FEE

(Docs. 4, 8, 9)

Plaintiff LeAnthony T. Winston is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 16, 2024, plaintiff submitted an application to proceed *in forma pauperis* (“IFP”). Doc. 4. On September 30, 2024, the magistrate judge issued findings and recommendations to deny plaintiff’s motion to proceed IFP because he has at least three dismissals that constitute a strike. *See* Doc. 8. The findings and recommendations were served on plaintiff and notified him that any objections were due within fourteen (14) days. *Id.* at 6. The findings and recommendations advised plaintiff that the “failure to file objections within the specified time may result in the waiver of certain rights on appeal.” *Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014). Plaintiff filed another copy of his Motion to Proceed in Forma Pauperis on October 10, 2024. Doc. 9. However, plaintiff has not filed any

1 objections and the time to do so has passed. *See* docket.

2 In accordance with 28 U.S.C. § 636 (b)(1), this court has conducted a de novo review of
3 this case. Having carefully reviewed the file, the court finds the findings and recommendations to
4 be supported by the record and by proper analysis.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The findings and recommendations, issued on September 30, 2024, Doc. 8, are
7 ADOPTED IN FULL.
- 8 2. Plaintiff's pending Motions to Proceed in Forma Pauperis, Docs. 4, 9, are DENIED.
- 9 3. Within 30 days from the date of service of this order, plaintiff SHALL pay in full the
10 \$405.00 filing fee if he wishes to proceed with his action.
- 11 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result in
12 the dismissal of this action without prejudice.

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15 IT IS SO ORDERED.

16 Dated: November 3, 2024

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UNITED STATES DISTRICT JUDGE